

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

ADVANTAGE POINT, L.P.,

Plaintiff,

v.

No. 5:14-cv-05517

BOROUGH OF KUTZTOWN; KUTZTOWN
MUNICIPAL AUTHORITY; PEGGY
DEVLIN; SANDRA K. GREEN; GABRIEL
KHALIFE; DEREK D. MACE; RACHAEL
B. MARTIN; JAMES F. SCHLEGEL;
EDWIN K. SEYLER; KEVIN J. SNYDER;
LEE W. ERB; WILLIAM FOX; ANDREW
SCHLEGEL; SHEILA FULTON; DONALD
L. SECHLER; SSM GROUP, INC.; DARYL
A. JENKINS; CHRISTINA CRAWFORD;
TIMOTHY G. DIETRICH, ESQUIRE;
KEITH MOONEY, ESQUIRE; JEFFREY
D. LOBACH, ESQUIRE; GEORGE
WERNER, ESQUIRE; CHARLES HAWS,
ESQUIRE; BARLEY SNYDER, LLC,

Defendants.

ORDER

AND NOW, this 24th day of March, 2016, upon consideration of SSM Defendants' Motion to Dismiss, ECF No. 87, Kutztown Defendants' Motion to Dismiss, ECF No. 88, and Barley Snyder Defendants' Motion to Dismiss, ECF No. 90, and for the reasons set forth in the accompanying Memorandum issued this date, **IT IS ORDERED** that Defendants' Motions are **GRANTED in part** and **DENIED in part** as follows:

1. Plaintiff's procedural due process claim, substantive due process claim, First Amendment retaliation claim, tortious interference claims, and Title VI claim are **DISMISSED with prejudice**;

2. Plaintiff's takings claim is **DISMISSED as unripe**;
3. In all other respect, Defendants' Motions are **DENIED**.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.

JOSEPH F. LEESON, JR.

United States District Judge